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10/679,752

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Jeffrey H. Burns

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EXAMINER

CUTLER, ALBERT H

ART UNIT

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2622

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/679,752	<b>Applicant(s)</b> BURNS, JEFFREY H.	
	<b>Examiner</b> ALBERT H. CUTLER	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is responsive to communication filed on June 2, 2008. Claims 1-5, 8, 9 and 21 are pending in the application and have been examined by the Examiner.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 2, 2008 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments filed June 2, 2008 have been fully considered but they are not persuasive.

4. Applicant argues that Yamada does not teach an optically transmissive medium filling space between the integrated circuit and the optically transmissive substrate.

5. The Examiner respectfully disagrees. Yamada teaches an image pickup device (i.e. integrated circuit, 4) arranged on the face of an electrical circuit (21) which is connected to an optically transmissive substrate (24), with the arrangement producing a space between the integrated circuit (4) and the optically transmissive substrate (24, see figure 2). Yamada further teaches an image pickup opening (22) formed in the electrical circuit (21, paragraph 0041, see figure 2). As the integrated circuit (4) is a

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CMOS “image-pickup semiconductor”, the space between the integrated circuit (4) and the optically transmissive substrate (24) must comprises an optically transmissive medium such that light reaches the image pickup device (4). For instance, air is an optically transmissive medium.

6. Therefore, a rejection in view of Yamada is maintained by the Examiner.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 8 and 9 rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al.(US 2001/0050717).

Consider claim 1, Yamada et al. teaches:

An optical sensor circuit assembly(figure 2), comprising:

an optically transmissive substrate(filter, 24), including filter material(The optically transmissive substrate(24) is a filter, paragraph 0041);

an electrical circuit(“stepped wiring board”, 21) on a first surface of the optically transmissive substrate(24, see figure 2), the electrical circuit(21) including electrically conductive leads(See figure 5B, paragraphs 0060-0062. The electrical circuit(21) has conductive leads(21a) which provide an electrical connection to a projecting electrode(27).);

an integrated circuit including an optical imaging element("image pick-up semiconductor", 4) located on a face of the integrated circuit(4) facing the substrate and electrically conductive pads(27) on a face(i.e. top face) of the integrated circuit(The integrated circuit is an "image pick-up semiconductor" with an image pickup region denoted by 22 of figure 2, and a peripheral portion containing conductive pads(27) on a face thereof and detailed further in figure 5B.), the optical imaging element(4) spaced away from the first surface(i.e. bottom surface) of the optically transmissive substrate(24, see figure 2); and

an optically transmissive medium filling space between the integrated circuit(4) and the optically transmissive substrate(Yamada teaches an image pickup opening(22) formed in the electrical circuit(21, paragraph 0041, see figure 2). As the integrated circuit(4) is a CMOS "image-pickup semiconductor", the space between the integrated circuit(4) and the optically transmissive substrate(24) must comprises an optically transmissive medium such that light reaches the image pickup device(4). For instance, air is an optically transmissive medium.);

the integrated circuit(4) electrically coupled to and mounted directly on the electrical circuit(21) disposed on the said substrate(24) by an electrical connection between the electrically conductive pads(27) on the face of the integrated circuit(4) and the electrically conductive leads(21a, figure 5B) of the electrical circuit(21) on the substrate(24, paragraphs 0042-0043, 0060-0062).

Consider claim 8, and as applied to claim 1 above, Yamada et al. further teaches that the optical imaging element(see "image pick-up semiconductor", 4) is electrically coupled to the electrical circuit(21) by electrically conductive bumps(32a) disposed between the leads(21a) and the pads(27, see figure 5B, paragraphs 0060-0062).

Consider claim 9, and as applied to claim 1 above, Yamada et al. further teaches at least one optical element(lens, 2) positioned to direct electromagnetic radiation through said substrate and filter material(24) and to said optical imaging element(4, see figure 2, paragraph 0041).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of Melman et al.(US 6,564,018).

Consider claim 2, and as applied to claim 1 above, Yamada et al. teaches that the optically transmissive substrate(24) includes filter material(paragraph 0041). However, Yamada et al. does not explicitly teach the structure of said filter material.

Melman et al. is similar to Yamada et al. in that Melman et al. teaches an optical sensor circuit assembly(figures 1-9b), comprising an optically transmissive substrate("cover glass", 806, figures 8a-8c, column 6, line 49), and an optical imaging element("sensor", 116, column 6, line 52, figure 8c) coupled to said substrate(sensor(116) is coupled to filter material(820) with glue layer(800), see figure 8c). Melman et al. also similarly teaches that the optically transmissive substrate includes filter material(cover glass(106) has an antireflective coating(816) and an optical IR blocking coating(820), see figure 8C, column 6, line 57 through column 7, line 6).

However, in addition to the teachings of Yamada et al., Melman et al. teaches that said filter material is embedded in said substrate("deposited on internal surface(818, i.e. embedded) of glass cover(806, i.e. said substrate)", column 7, lines 3-5).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the filter material taught by Yamada et al. comprise embedded filter material as taught by Melman et al. for the benefit of preventing excess ghosting and scattered light as is caused by internal reflections of optically transmissive

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substrates, reducing the number of pieces of the optical sensor circuit assembly, preventing damage to the filter material due to the cleaning of the separate lens module, and correcting color and/or contrast distortion(Melman et al., column 2, lines 1-24, column 6, line 44 through column 7, line 2).

Consider claim 3, and as applied to claim 1 above, Yamada et al. teaches that the optically transmissive substrate(24) includes filter material(paragraph 0041). However, Yamada et al. does not explicitly teach the structure of said filter material.

Melman et al. is similar to Yamada et al. in that Melman et al. teaches an optical sensor circuit assembly(figures 1-9b), comprising an optically transmissive substrate("cover glass", 806, figures 8a-8c, column 6, line 49), and an optical imaging element("sensor", 116, column 6, line 52, figure 8c) coupled to said substrate(sensor(116) is coupled to filter material(820) with glue layer(800), see figure 8c). Melman et al. also similarly teaches that the optically transmissive substrate includes filter material(cover glass(106) has an antireflective coating(816) and an optical IR blocking coating(820), see figure 8C, column 6, line 57 through column 7, line 6).

However, in addition to the teachings of Yamada et al., Melman et al. teaches that said filter material is dispersed in said substrate("Instead of using the IR coating an IR absorbing glass may be used(i.e. the IR material is dispersed in the substrate)", column 7, lines 13-14).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the filter material taught by Yamada et al. comprise



dispersed filter material as taught by Melman et al. for the benefit of preventing excess ghosting and scattered light as is caused by internal reflections of optically transmissive substrates, reducing the number of pieces of the optical sensor circuit assembly, preventing damage to the filter material due to the cleaning of the separate lens module, and correcting color and/or contrast distortion(Melman et al., column 2, lines 1-24, column 6, line 44 through column 7, line 2).

Consider claim 4, and as applied to claim 1 above, Yamada et al. teaches that the optically transmissive substrate(24) includes filter material(paragraph 0041). However, Yamada et al. does not explicitly teach the structure of said filter material.

Melman et al. is similar to Yamada et al. in that Melman et al. teaches an optical sensor circuit assembly(figures 1-9b), comprising an optically transmissive substrate("cover glass", 806, figures 8a-8c, column 6, line 49), and an optical imaging element("sensor", 116, column 6, line 52, figure 8c) coupled to said substrate(sensor(116) is coupled to filter material(820) with glue layer(800), see figure 8c). Melman et al. also similarly teaches that the optically transmissive substrate includes filter material(cover glass(106) has an antireflective coating(816) and an optical IR blocking coating(820), see figure 8C, column 6, line 57 through column 7, line 6).

However, in addition to the teachings of Yamada et al., Melman et al. teaches that said filter material is a thin film layer on the substrate(The Anti-reflective portion on the filter material(816) is applied as a coat(i.e. a thin film layer) on the surface of the substrate(806), column 6, lines 57-65).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the filter material taught by Yamada et al. comprise a thin film layer as taught by Melman et al. for the benefit of preventing excess ghosting and scattered light as is caused by internal reflections of optically transmissive substrates, preventing damage to the filter material due to the cleaning of the separate lens module, and correcting color and/or contrast distortion(Melman et al., column 2, lines 1-24, column 6, line 44 through column 7, line 2).

Consider claim 5, and as applied to claim 4 above, Yamada et al. teaches that the optically transmissive substrate(24) includes filter material(paragraph 0041). However, the combination of Yamada et al. and Wolterink et al. does not explicitly teach the structure of said filter material.

However, Melman et al. further teach that said thin film layer(816) further comprises material having antireflective properties(column 6, lines 57-65).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al.(US 2001/0050717) in view of Wolterink et al.(US 2006/0044450).

Consider claim 21, and as applied to claim 1 above, Yamada et al. further teaches a lens mount(3) supporting a lens(2). Yamada et al. also teaches that the lens(2) is situated opposite the first surface(see figure 2). However, Yamada et al. does

not explicitly teach that the lens mount is coupled to a second surface of the optically transmissive substrate opposite the first surface of the optically transmissive.

Wolterink et al. similarly teaches an optical sensor circuit assembly(figures 8a-8e) which contains an optically transmissive substrate in the form of an IR filter(236), and that an image sensor(215) is connected to a first side of the optically transmissive substrate(paragraph 0063). Wolterink et al. likewise teaches a lens mount(260) which positions a lens(270) opposite an image sensor(figures 8a-8e).

However, in addition to the teachings of Yamada et al., Wolterink teaches that the lens mount(260) is coupled to a second surface of the optically transmissive substrate(236) opposite the first surface of the optically transmissive(see figures 8a-8e).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the optically transmissive substrate taught by Yamada et al. extend the entire width of the optical sensor circuit assembly as taught by Wolterink et al., and have the lens mount taught by Yamada et al. attached to the surface of the optically transmissive substrate opposite the first surface as taught by Wolterink et al. for the benefit of simplifying the manufacturing process and thus achieving an efficient mass production operation while maintaining a high positioning accuracy(Wolterink et al., paragraphs 0005-0006).

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AC/  
08/01/2008

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